



Cannabis Control Commission Concludes Policy Discussions on Draft Regulations

Policies discussion informed by nearly 500 public comments provided to the commission as part of the regulation writing process

For Immediate Release

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Boston, MA – Today, the Cannabis Control Commission concluded its third and final day of policy discussions, which was part of its process to draft and promulgate regulations for the licensing and implementation of the adult-use cannabis industry in Massachusetts.

The decisions made today will be incorporated into a working document that will be subject to a final vote of the Commission, expected to occur next week, before formally promulgating the final regulations prior to the statutory deadline of March 15, 2018. The regulations will be codified in 935 CMR 500.00.

Draft regulation policy changes or additions determined today:

Cultivation

- Agreed to set a cultivation cap of 100,000 sq. ft. of canopy per licensee, including craft marijuana cooperatives;
- Agreed licensees may enter the market at their desired cultivation tier, and 12 months after the first license is issued, the Commission will evaluate whether licensees successfully sold 85 percent of product required to remain in that tier. Subsequently the Commission will continue to evaluate cultivators' sales under the same threshold every six months thereafter; and
- Agreed to reduce the cultivation annual license and application fees for outdoor cultivation by 50%.

Municipalities

- Agreed to reduce burdens on municipalities and licensees by striking duplicative language that required licensees to provide documentation certifying they are in compliance with local zoning ordinances and bylaws.

Energy/Environmental Standards

- Agreed to set energy efficiency standards for indoor cultivation as recommended by the Executive Office of Energy and Environmental Affairs;
- Agreed to require license renewal applicants to submit documentation, such as a utility bill, that identifies energy and water use.

Registered Marijuana Dispensaries

- Subject to feedback from the Massachusetts Department of Public Health, agreed to allow Registered Marijuana Dispensaries to transfer medical inventory to adult-use inventory, subject to the medical supply

threshold of 35% of inventory, or a supply with adequate distribution representative of the average, actual sales over the prior six months.

Secret Shopper Program

- To strengthen compliance measures, agreed to broaden the scope of the previously authorized Secret Shopper Program by explicitly permitting underage identification card checks.

Dukes Country and Nantucket

- Agreed to rename a regulation that clarifies, to the extent permitted by law, that Marijuana Establishments operating from locations on Dukes and Nantucket Counties may operate in full compliance with the regulations.

Suitability

- Agreed that a narcotic trafficking conviction of any controlled substance which falls under M.G.L. 94C, § 32E, which incorporates by reference M.G.L. c. 94C, § 31, would result in a mandatory disqualification from operating as a Marijuana Establishment Agent that has access to marijuana plants;
- Agreed to language that allows the Commission to exercise its discretion in making suitability determinations with regards to applicants and registrants;
 - A suitability review committee – composed of non-Commissioners – will be established to make these suitability determinations.

Tiers

- Agreed to increase the number of cultivator production tiers to 11:
 - **Tier 1:** 5,000 sq. ft. and under;
 - **Tier 2:** 5,001 sq. ft. – 10,000 sq. ft.;
 - **Tier 3:** 10,001 sq. ft. – 20,000 sq. ft.;

- **Tier 4:** 20,001 sq. ft. – 30,000 sq. ft.;
 - **Tier 5:** 30,001 sq. ft. – 40,000 sq. ft.;
 - **Tier 6:** 40,001 sq. ft. – 50,000 sq. ft.;
 - **Tier 7:** 50,001 sq. ft. – 60,000 sq. ft.;
 - **Tier 8:** 60,001 sq. ft. – 70,000 sq. ft.;
 - **Tier 9:** 70,001 sq. ft. – 80,000 sq. ft.;
 - **Tier 10:** 80,001 sq. ft. – 90,000 sq. ft.;
 - **Tier 11:** 90,001 sq. ft. – 100,000 sq. ft.;
- Agreed that the new tier structure would employ the established methodology to assess fees.

Responsible Vendor Training

- Agreed that starting July 1, 2019, Marijuana Establishments will send the Commission certification that agents have completed a Responsible Vendor Training program provided by a third-party that is accredited by the Commission.

Department of Revenue

- Agreed to require retailers, through their point-of-sale systems, to separately track products subject to Chapter 55 of the Acts of 2017, versus other products;
- Agreed to mention in the regulations, that licensees need to comply with applicable state tax laws.

The Cannabis Control Commission will convene again Tuesday, March 6 at 10 a.m. at the Massachusetts Gaming Commission's public meeting space located on the 12th floor of 101 Federal Street, Boston, MA and Wednesday, March 7 at 10 a.m. at the Bruce Bolling Building's public

meeting space located on the 2nd floor of 300 Washington St, Roxbury, MA.

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